

**FILED**  
**UNDER**  
**SEAL**

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**2:17-cv-02000-APG-GWF**

13 *Attorneys for Plaintiff Federal Trade Commission*

14  
15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 FEDERAL TRADE COMMISSION, )  
18 Plaintiff, )  
19 v. )  
20 REVMOUNTAIN, LLC, *et al.*, )  
21 Defendants. )

Case No:

**FILED UNDER SEAL**

**PLAINTIFF FEDERAL TRADE  
COMMISSION'S EMERGENCY *EX*  
PARTE MOTION TO TEMPORARILY  
SEAL DOCKET AND ENTIRE FILE  
AND MEMORANDUM IN SUPPORT**

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23  
24 Plaintiff Federal Trade Commission ("FTC") respectfully moves *ex parte* for an order  
25 temporarily sealing the entire docket and file in this matter, including this Motion, the Complaint  
26 for Permanent Injunction and Other Equitable Relief ("Complaint"), the Emergency Motion for  
27 *Ex Parte* Temporary Restraining Order ("TRO Motion"), and all other pleadings, exhibits, and  
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1 documents filed in support. A Court order sealing the entire docket until the Defendants are  
2 served, or until five (5) days after the Court enters the seal order, is necessary to prevent  
3 immediate and irreparable harm to the FTC's ability to obtain effective final relief in this matter.

4 In support of this Motion, the FTC states as follows:

5 1. The FTC requests that the seal of the entire docket and file remain in effect until it  
6 has served all Defendants, or until five (5) days following the entry of an order to seal the file,  
7 whichever occurs first.

8 2. As alleged in the Complaint, and described more fully in the TRO Motion and  
9 accompanying exhibits, this case concerns Defendants' online sales scam. Defendants tout  
10 cheap "trial" offers for personal-care products to obtain consumers' credit-card information.  
11 Defendants use deceptive websites to lure consumers in with \$1.03 offers of product samples.  
12 Once they obtain card numbers, defendants begin charging consumers about \$200 per month for  
13 regular shipments of products they did not order or want. Defendants' unauthorized charges  
14 have triggered more than a thousand consumer complaints and exceptionally high credit-card  
15 chargeback rates.

16 3. Defendants' deceptive practices violate Section 5(a) of the FTC Act, 15 U.S.C.  
17 §45(a), and Section 4 of the Restore Online Shoppers' Confidence Act ("ROSCA"), 15 U.S.C. §  
18 8403.

19 4. As set forth in the Rule 65(b)(1) Certification of Plaintiff's counsel Sarah  
20 Waldrop in support of the TRO Motion, there is good cause for an order to temporarily seal the  
21 file and docket in this case. The FTC requests a temporary seal of the entire file for the same  
22 reason that it seeks a temporary restraining order pending a preliminary injunction hearing—  
23 namely, to maintain the *status quo* and to preserve the possibility of final relief.  
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1           5.       A temporary seal will help ensure that Defendants do not receive premature notice  
2 of this action directly or through third parties. Entry of an *ex parte* order temporarily sealing the  
3 file is consistent with the purpose of Fed. R. Civ. P. 65(b), which permits motions without notice  
4 to prevent “immediate irreparable injury, loss, or damage.”

5           6.       If Defendants become aware of the FTC’s case before the FTC can secure  
6 Defendants’ records and serve the TRO on third parties that hold Defendants’ assets, such as  
7 banks and payment processors, there is substantial risk that Defendants might conceal or  
8 dissipate assets or destroy documents, frustrating the FTC’s law enforcement efforts and the  
9 Court’s ability to provide restitution to the victims of Defendants’ unlawful scheme.

10           7.       As detailed in the FTC’s TRO Motion, Defendants’ ongoing negative option  
11 marketing scheme demonstrates that they are likely to dissipate and hide assets and destroy  
12 evidence upon notice of the Complaint. Indeed, Blair McNea and his co-conspirators,  
13 Defendants Danielle Foss and Jennifer Johnson, take apparent steps to evade law enforcement  
14 detection through an intricate network of nested LLCs, bank accounts and continuous money  
15 transfers, dummy websites, and employees who provide cover to Defendants by using their own  
16 names to form LLCs and open merchant accounts.

17           8.       In fact, McNea has a history of trying to sidestep law enforcement. In 2014, the  
18 FTC sought information from his companies in connection with litigation against an affiliate  
19 network McNea had hired. McNea abruptly abandoned the LLCs the FTC had asked about and  
20 closed all of his bank accounts. McNea told the FTC he was shutting down his business at that  
21 time, but instead, he merely reorganized his operation by conducting his business under new  
22 names and opening new accounts. He then continued to run the business in the same way,  
23 operating websites that ensnared consumers with deceptive “trial” offers.



**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

REVMOUNTAIN, LLC, *et al.*,

Defendants.

Case No:

**FILED UNDER SEAL**

**ORDER TO TEMPORARILY SEAL  
DOCKET AND ENTIRE FILE**

**THIS MATTER** is before the Court upon Plaintiff Federal Trade Commission's Emergency *Ex Parte* Motion to Temporarily Seal the Docket and Entire File. The Court has considered the merits of said Motion. Accordingly, after due consideration, it is:

**ORDERED** that Plaintiff's Emergency *Ex Parte* Motion to Temporarily Seal the Docket and Entire File is hereby **GRANTED**. It is further:

**ORDERED** that the Clerk of the Court is hereby **DIRECTED** to file and maintain said case under seal and to maintain the seal until the Defendants are served, or five (5) days after the Court enters the seal order, whichever occurs first, after which point the Clerk or the Court shall unseal the docket and entire file without further notice or hearing. Plaintiff shall notify the Clerk of the Court if it serves all Defendants before the expiration of the five (5) days.

**IT IS SO ORDERED**

  
**UNITED STATES DISTRICT JUDGE**

DATED: 7/24/2017